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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,367	03/09/2001	Michael E. Last	LMTT-03	8322
826	7590	10/07/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			MOONEYHAM, JANICE A	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,367

Applicant(s)

LAST, MICHAEL E.

Examiner

Janice A. Mooneyham

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 61-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 61-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the applicant's communication filed on June 24, 2005, wherein:

Claims 61-67 are currently pending;

Claims 1-60 and 68-70 have been cancelled;

No claims have been added;

No claims have been amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 61-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over www.GolfAgent.com (hereinafter referred to as GolfAgent) (retrieved from the Internet Archive Wayback Machine of dates 12/6/1998, 4/28/199 and 5/2/199)

Regarding Claim 61:

(The subject matter of this rejection is from pages retrieved on 12/6/1998 only)

GolfAgent discloses a method comprising the steps of:

with a hub server (page 1-via the Internet),

receiving a request for a web page from a golfer computer via a communications network, the golfer computer located remotely from the hub server (enter the data range of when you would like to play – page 1);

Art Unit: 3629

in response to the request ,

generating a single web page listing multiple tee times available (all available tee times at this club for reservation by golfers (book tee times), the multiple tee times indicated as available for a golf course for a date being a subset of all of the tee times at the golf course for the date (all available tee times (subset) at this club on the dates you require – page 1); and

transmitting the single web page to the golfer computer via the communications network (it is inherent that the web page is presented to the user since GolfAgent enables users to book tee times and the system informs the user that the tee time is now reserved -page 1).

GolfAgent discloses booking tee times at a wide range of golf courses, displaying courses in a certain geographical area and displaying all available tee times at a club on the dates you require (page 1).

GolfAgent does not explicitly disclose that the multiple tee times at a *plurality of golf courses* are generated on a single web page. However, the Examiner takes Official Notice that it is old and well known to display multiple reservations times from a plurality of entities on a single page. For example, in the travel industry, when one is shopping for an airline reservation and/or hotel reservation or a vehicle rental reservation, the user generally enters the dates that the reservations are needed and a webpage is generated and displayed to the user listing multiple airline carriers and/or hotels from different chains and/or vehicles available for rent at various companies that are available on those dates.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the golf reservation method of GolfAgent which is used to book tee times at a wide range of golf courses to incorporate displaying all available tee times at the plurality of wide range of golf courses as a matter of convenience for the user so that the user can view all the courses in that area having available tee times on the dates you require.

Regarding Claim 62:

(pages for this rejection also include pages with dates of 4/28/1999 and 5/2/1999)

GolfAgent discloses a method as further comprising the steps of:

receiving specific tee times posted by a plurality of golf course users' computers via the communications network, the golf course users' computers located remotely from the hub server and the golfer computer (page 8, Clubs, using course management software, can easily submit and retrieve tee times to the Internet server),

storing the available tee times in a database (a database is inherent since the information must be stored somewhere so as to be available to be retrieved) , and in response to the request,

retrieving the available tee times from the database for use in the generating the single web page (page 8, when tee times are booked on the Internet indicates that the tee times were retrieved from a search request).

Art Unit: 3629

Regarding Claim 63:

(pages for this rejection also include pages with dates of 4/28/1999 and 5/2/1999)

GolfAgent discloses a method further comprising the steps of:

receiving a reservation for a selected golf course and tee time from the user computer via the communications network (page 1 – you can search for the club of your choice by name or if you would like to view courses in a certain geographical area);

storing the reservation in the database (bookings are made by simply clicking on the tee time of interest, reservations are all online via the Internet - thus a database is inherent) ; and

transmitting the reservation to the computer of the selected golf course via the communications network (page 8 – when tee times are booked on the Internet, the golfer's details appear on the club's system as if the person had telephoned the club and they had taken the booking themselves).

Regarding Claim 64:

(pages for this rejection also include pages with dates of 4/28/1999 and 5/2/1999)

GolfAgent discloses a method wherein the communications network is the Internet (page 1 Golf Tee Time Bookings Via the Internet).

Regarding Claim 65:

(pages for this rejection also include pages with dates of 4/28/1999 and 5/2/1999)

GolfAgent discloses a method wherein the listing of the multiple available tee times are next-day tee times for respective golf courses (page 1 - enter a data range of when you would like to play would include next-day tee times, the system will show you all available tee times, GolfAgent enables Internet users to book tee times at a wide range (multiple) of golf courses).

Regarding Claim 66:

(pages for this rejection also include pages with dates of 4/28/1999 and 5/2/1999)

GolfAgent discloses a method wherein the request designates a specific geographic region and the single web page is generated to list available tee times for only the golf courses in the specific geographic region (page 1 – you can view courses in a certain geographical area, page 4 click on the area you would like to play, when ready enter a date range of when you would like to play and the system will show you all available tee times at this club on the dates you require, page 1)

Regarding Claim 67:

(pages for this rejection also include pages with dates of 4/28/1999 and 5/2/1999)

GolfAgent discloses a method wherein the request includes a date on which the golfer desires to play but does not require the golfer to specify the golfer's desired time of play in order to generate a list of available tee times (when ready enter a date range of when you would like to play and the system will show you all available tee times at this club on the dates you require, page 1)

Response to Arguments

3. Applicant's arguments filed June 24, 2005 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claim 61 has been considered but are moot in view of the new ground(s) of rejection. However, applicant is requested to note that in the rejection of Claim 61, the only claim rejected under 102(b), the Examiner states that the subject matter for that rejection is from pages retrieved on 12/6/1998 only.

The fact that the applicant is unable to access the web pages does not mean that they do not exist. The Examiner retrieved all of the pages from the Internet Archive Wayback Machine and has provided copies for the applicant. Applicant submits copies of pages showing failed connections.

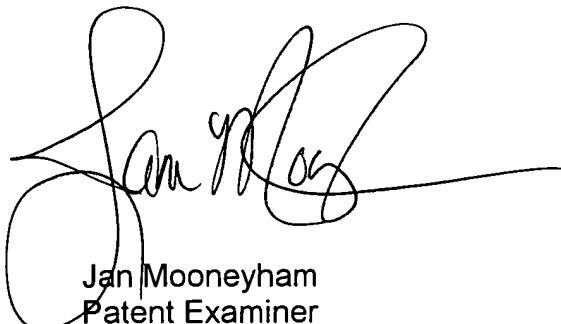
As for the applicant's argument that the GolfAgent website does not provide disclosure of any generation of a single web page listing multiple tee times available at a plurality of golf courses, the applicant is directed to the discussion in the rejection above.

Art Unit: 3629

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jan Mooneyham
Patent Examiner
Art Unit 3629